

A MEETING OF THE BOARD OF COMMISSIONERS OF
THE CITY OF SODDY-DAISY, TENNESSEE, WAS HELD
ON THURSDAY, AUGUST 20, 2009 AT 7:00 P.M.

MEMBERS PRESENT:
MAYOR SHIPLEY
VICE-MAYOR PRIVETT
COMMISSIONER ADAMS
COMMISSIONER HARMON
COMMISSIONER SKILES
CITY MANAGER STULCE
CITY ATTORNEY ELLIOTT
CITY RECORDER BURRIS

The minutes of the meeting held August 6, 2009 were presented. Commissioner Skiles questioned a comment on page five, paragraph one, whereby the electric bill for the ballfield lights last month was given at \$480. City Manager Stulce said he was unsure and Commissioner Harmon stated he felt this was correct. After this discussion, the minutes were approved as presented.

Old business: None.

New business:

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REPLACING 2008-2009 ORDINANCE NO. 11 TO PROVIDE FOR
THE GENERAL REVENUE FOR THE FISCAL YEAR 2009-2010 TO
BE KNOWN AS THE GENERAL REVENUE ORDINANCE ESTABLISHING
THE TAX RATE OF SIXTY- EIGHT POINT SIX CENTS (\$.686) FOR
SAID YEAR. PUBLIC HEARING AND FIRST READING.

City Recorder Burris explained that tax assessments are performed every four years with one recently completed by Hamilton County. These assessments are submitted to the State of Tennessee Board of Equalization who certifies them. The law states that the tax rate or calculation must generate the same amount of revenue as established with the previous rate. She said the Board voted with the adoption of the budget not to raise taxes for this year. There were no comments and/or questions from those present.

1st - Commissioner Adams
2nd - Vice-Mayor Privett
Ayes - Unanimous

Citizens's Participation:

Robert Cothran, 10175 Dallas Hollow Road, announced that the 5th annual Meet and Greet will be held on Saturday, September 12th beginning at 10:00 a.m. at the Veterans Memorial Park. He said a softball tournament is held as part of their fund raising efforts and asked if the City would waive the tournament fees for this event. City Manager Stulce said he had talked with Mr. Cothran about this request but because there are so many different variables involved he felt anytime a waiver of fees is requested, it should be up to the Board to grant it. Commissioner Adams said anytime an organization was giving back to the community, like the Veterans, he felt fees should be waived. Vice-Mayor Privett said he felt guidelines should be established to be consistent. He then made a motion to approve Mr. Cothran's request. The motion was seconded by

Commissioner Adams and the ayes were unanimous.

City Manager Stulce reported on the two potential sewer projects. One is Bell Street that will serve three existing houses with a property owner willing to give the right-of-way required for installation of a limited amount of 8" main and one manhole. This is a low lying area where the lots are too small for septic tank replacement. He requested permission to place this project out for bid. He also asked for permission to bid another sewer project. He said the sewer line would come from the main interceptor in the 9100 block of Dayton Pike which would provide service to #3 Fire Hall as well as an adjacent property where a new doctor's office is being planned. He noted that the sewer design work had already been done to extend all the way to Springfield Road and north on Dayton Pike to the top of the hill at Stoney Point Baptist Church. He requested the bid to stop at Dayton Pike at the northeast corner of the City's property at the fire hall with the expandability in other directions. Commissioner Adams asked if this would be in conjunction with the WWTa. Manager Stulce said he met with them over one month ago but he did not feel the WWTa is doing any projection in conjunction with others unless it is a private developer. He said the project could be bid, paid for and the WWTa will do a 10-year pay back based on the number of customers. If there are trades for easements from property owners or a contributor to the project, it would be up to the City. On the Bell Street project, the WWTa is willing to do the design in house due to it being such a small project. Commissioner Adams asked if the contractor was on hold because sewers aren't available? Manager Stulce said it is not on hold but it is to the point that the developer would have to spend between \$8,000 and \$10,000 for an elaborate septic system. The developer is willing to partner with the City if the project is approved. Mayor Shipley said the Board voted over 1 ½ years ago to do the Dayton Pike sewer work. Vice-Mayor Privett said this will also free up lots or property for development. He also noted that originally the WWTa was willing to contribute more toward the project because the scope of the project was much larger. In the event the line is extended to the church, the WWTa will put in the matching funds because the WWTa voted to appropriate funds for that. He also stated that Copp Engineering laid the sewer project out, set the stakes for the manholes and therefore the engineering must have already been done. Manager Stulce said the question is "are the drawings still current" or do they have to be re-stamped, etc. Commissioner Adams asked Vice-Mayor Privett if he asked the WWTa to include Jane Manor Circle in the project. Vice-Mayor Privett said he did not because plans do not include the line being extended to that area. Manager Stulce said this was discussed but due to the wetlands in the back portion of the properties, it was suggested to have the lower part go to a grinder pump and pump it to Dayton Pike. After discussion, it was the consensus of the Board to proceed with bids for both projects.

City Manager Stulce reported that he had talked with Mr. Hickman (Signs and Graphics) on the proposed sign for Miss Tennessee and that the design should be completed within two weeks.

Manager Stulce reported that the paving project on Spring and School Streets was complete. He said

that the City's final cost is not yet determined. He noted that one small area on Spring Street beside the school was left out but this will be complete when planned repairs are made on Oak Street and Hotwater Road. He said once the final cost is determined, he would report further.

Manager Stulce gave an update on the Pruett Street bridge, saying he had been in contact with the State and had the permit for permission to go into the creek ready to submit awaiting the cost estimate. He asked the Board if they wanted him to pursue it. Mayor Shipley said he certainly did because he had several people ask about it. Manager Stulce said TDOT recommends a box culvert be installed. Commissioner Adams asked if this would be a one or two lane bridge. Manager Stulce said it would be 14 feet wide. He said he would continue on with this project.

Commissioner Adams distributed a letter concerning recent discussions he has had with Jim Copp about drainage in the Plantation Subdivision. He read a list of observations made by Mr. Copp that should alleviate the problems. He asked for the Board's input as to what the City's responsibility would be and once decided, he would send this on to the subdivision's residents. Vice-Mayor Privett said he felt the enlarging of the catch basins would be the City's responsibility. Manager Stulce said that the majority of this had been done. Commissioner Adams stated he thought it was agreed that the City would put in an extra pipe under Posey Hollow Road. He asked what responsibility the City would have for catch basins suggested by Mr. Copp at the 90 degree turns. Mayor Shipley said none and the only thing he felt the City may be responsible for would be the pipe at the curve to get rid of the water at Tobacco Road. Commissioner Harmon said if Mr. Copp designed this 450 acre tract and didn't have these things (list) on his plan, why is he now coming back saying it needs these things. Commissioner Adams said these problems cropped up after the fact. City Attorney Elliott said ultimately it is not the City's issue. Again Commissioner Adams asked what is the City's responsibility and what is the City going to do. Discussion continued with Mayor Shipley stating that in one area the developer left out one 36" drainage pipe. He asked if it would be legal to stop the issuance of future permits until the problem is fixed. He noted that the residents had met with the developers, Jim and Darryl Hill, several times trying to get something done. It is always promised by the developers that they'll get back with them, but they never do. Mr. Tom Million, 12220 Macon Way, was present saying they were waiting to hear from the Hills about proposed rip rap for a ditch line. He expressed concern because the rainy season is approaching. City Attorney Elliott stated he was reluctant to stop future permits based on the subdivision design. Vice-Mayor Privett said when he designs a subdivision before he can close his permit with the state, the engineer has to inspect the development to insure that the work was done according to the design. He said the second item on Mr. Copp's list reads "the drainage ditch between Macon Way and Plow Lane must be excavated and the swell should be up to engineering standards." He questioned if this swell was ever to engineering standards and if so, when did he inspect it before he closed out the permit? If it was, then it has deteriorated since then and he asked

for a reason why. He said he knew some people had placed items in the ditch, for example rocks, grass clippings and even trees planted. He reiterated to ask Mr. Copp if he did the inspection and was it up to standards. Vice-Mayor Privett read item #3 "once the ditch has been cleared and the swell is correct, rip-rap or some like material should be placed in the entire length of the ditch." He asked, was this done and if so, silt has washed into it. He said the person whose property washed into the ditch is responsible. City Attorney Elliott said this is a civil matter. Vice-Mayor Privett questioned if the diverter or collection pit suggested was in the original design. If it wasn't and should have been, it is between the developer and the engineer. Commissioner Adams said he didn't think it was ever designed to have one. Commissioner Harmon said the plans show close to a 45 degree angle and now it is a 90 degree turn. The original design was changed to make one or two extra lots. Vice-Mayor Privett said a revised plat was submitted for the additional lots. He said if the Planning Commission approved the plat as submitted by the engineer, then it would be the engineer's responsibility. He also noted that if the plans call for two 36" pipe, they should have been put in and this is the developer's responsibility. City Attorney Elliott advised that if the Planning Commission approves a plan designed by a reputable engineer, we accept the design on face value and the law doesn't make it our responsibility if it doesn't work out. Commissioner Adams asked the other Commissioners if the City Attorney should summarize this to distribute to the subdivision residents. Commissioner Harmon suggested that before any money is spent, to look at the plans to see if the design has been revised. Commissioner Skiles asked how can additional permits be issued when the developer cannot take care of the current problems. Planning Commission Chairman Max Orr said that the Planning Commission cannot stop building permits as the lots are already laid out. Vice-Mayor Privett said the Planning Commission could suspend permits on any new phases. Mayor Shipley said the biggest problem was at the top of the hill and was caused by the builder and the developer. Mayor Shipley agreed with the Vice-Mayor saying the issues need to be reviewed to see if the engineer signed off on the plans. He added that if the 36" pipe needed to be installed to alleviate the problem at the bottom area under the City right-of-way, he would go along with that one item. Mr. Million said after he moved to the subdivision almost five years ago, there wasn't a ditch. One was cut in all the way to the end, matting put in and that was it. He said it had never been anything other than a ditch. He agreed that the problem started when the dirt and silt washed off the top of the hill. Mayor Shipley said he hoped to have some answers soon as to responsibility.

Commissioner Skiles said he had several people talk to him over the past few days complaining about dogs on the walking track. He said something needs to be done. City Manager Stulce asked for two weeks to address this.

Commissioner Skiles asked if the City had heard anything from Hamilton County regarding the high school resource officer. Chief Hamrick said he had not and the City's officer will be removed after next Tuesday. Mayor Shipley said he had heard from the Sheriff's Department that the Board of Education had

advised they could not afford to provide an officer.

Commissioner Harmon said he had received complaints concerning dogs in their neighborhood and the poor service by the Humane Society. He noted that the Society is paid over \$1,090 per week to provide animal control. He asked to hear from others if they had an alternative.

Mayor Shipley stated a repair on Back Valley Road had been discussed several months ago. The roadway is sinking where the State's portion of the road transitions to the City's. He asked that this be addressed. Mayor Shipley said another concern was the curve on Melville Hill at the church. He requested a sign be placed prior to the sharp curve to slow the traffic. Manager Stulce asked the Board's thoughts as to the speed limit on this road. After discussion it was decided that the Police Chief and City Manager would come back with a recommendation.

ADJOURNMENT 7:52 P.M.

RECORDER SARA BURRIS